BILL NO. Z-94-06-09

ZONING MAP ORDINANCE NO. Z-Lock

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

> The North 119.5 feet of the West 291.06 feet of the Northwest ¼ of Section 26, Township 31 North, Range 12 East containing .41 acre. Also the South 149.6 feet of the North 269.1 feet of the West 291.06 feet of the Northwest ¼ of Section 26, Township 31 North, Range 12 East, containing 1 acre in Allen County, Indiana. EXCEPT that part thereof conveyed to the State of Indiana for highway purposes by deed recorded as Document No. 72-16670 except all legal roads and highways.
>
> ALSO:
>
> The North 60 feet of the South 149.6 feet of the North 418.7 feet of the West 291.06 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, EXCEPT the West 25 feet thereof, appropriated for highway.

and the symbols of the City of Fort Wayne Zoning Map No. L-26, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark C. Giaquinta
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____M.,E.S.T.

DATED: 6-14-94.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		5		4
BRADBURY		✓		
EDMONDS				✓
GiaQUINTA		✓		
HENRY				✓
LONG		✓		
LUNSEY				✓
RAVINE		✓		
SCHMIDT		✓		
TALARICO				✓

DATED: 7-12-94.

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____,M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____M., E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN. GENERAL FORM NO. 352

RECEIPT

№ 14932

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 5/18 19 94

RECEIVED FROM Wannemacher-Jackson $ 200.00

THE SUM OF Two Hundred + 00/100 DOLLARS

ON ACCOUNT OF 831 W Coliseum
1314 Sherman Blvd
Park

1091

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Gilbert and Sylvia Belcher
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B + RB District to a/an M1 District the property described as follows:

The North 119.5 feet of the West 291.06 feet of the Northwest 1/4 of Section 26, Township 31 North, Range 12 East containing .41 acre.

Also the South 149.6 feet of the North 269.1 feet of the West 291.06 feet of the Northwest 1/4 of Section 26, Township 31 North, Range 12 East, containing 1 acre in Allen County, Indiana.

EXCEPT that part thereof conveyed to the State of Indiana for highway purposes by deed recorded as Document No. 72-16670 except all legal roads and highways.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

821 West Coliseum Blvd., Fort wayne, Indiana 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Gilbert Belcher	4953 Cabrilla Ct. New Port Richey, FL 34652	Gilbert Belcher
Sylvia Belcher	4953 Cabrilla Ct. New Port Richey, FL 34652	Sylvia Belcher

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Robert L. Wannemacher	821 West Coliseum Blvd. Fort Wayne, IN 46808	(219) 484-9042

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

MP L-24

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Steve A. Jackson and Robert L. Wannemacher
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB4 District to a/an M1 District the property described as follows:

The North 60 feet of the South 149.6 feet of the North 418.7 feet of the West 291.06 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, EXCEPT the West 25 feet thereof, appropriated for highway.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4314 Sherman Blvd., Fort Wayne, Indiana 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Steve A. Jackson	821 W. Coliseum Blvd. Fort Wayne, IN 46808	
Robert L. Wannemacher	821 W. Coliseum Blvd. Fort Wayne, IN 46808	

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

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(Name)	(Address & Zip Code)	(Telephone Number)
Robert L. Wannemacher	821 W. Coliseum Blvd. Fort Wayne, IN 46808	(219) 484-9042

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

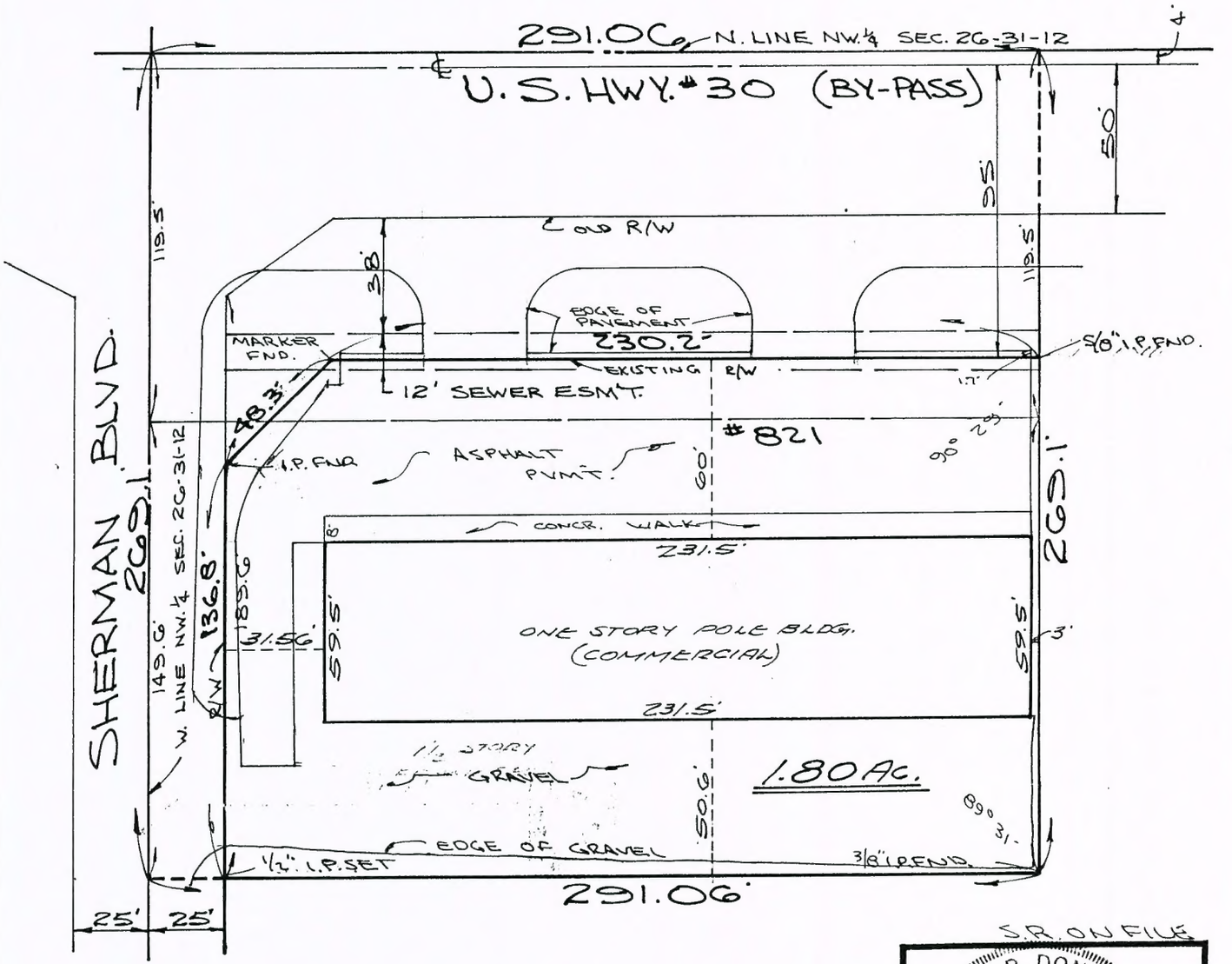
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: The north 119.5 feet of the west 291.06 feet of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, together with the south 149.6 feet of the north 269.1 feet of the west 291.06 feet of the Northwest Quarter of Section 26, T31N, R12E in Allen County, Indiana, containing 1.80 acres more or less and subject to road rights of way and easements.

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estateis located in Zone "X", and is not in a flood hazard area.



SR ON FILE

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

JOHN R. DONOVAN

RE-CERTIFIED 4-14-78

RE-CERTIFIED 7-11-77

JOB FOR: W. BEER - MOSER
BELCHER - CARPET DISCOUNT

1"=50'
1-21-72
REV. 7-11-77
REV. 4-14-78
REV. 5-17-94

RE-CERTIFIED 5-17-94

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA

REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

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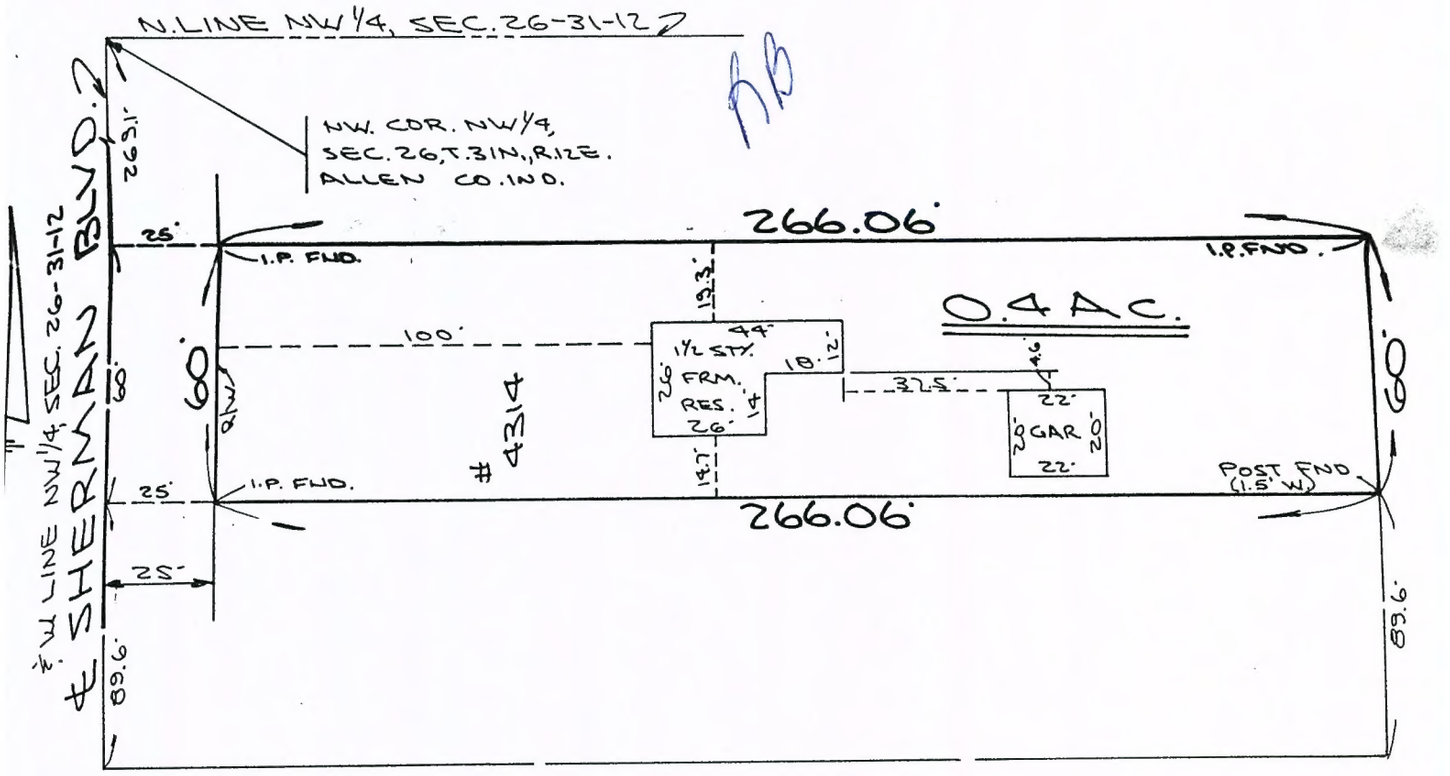


NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X" and is not in a flood hazard area.

S. R. ON FILE

JOHN R. DONOVAN

RE-CERTIFIED 5-18-92

JOB FOR: STUDEBAKER-ELSTON-CARPET DISCOUNT

1" = 40'

8-5-77

REV. 5-18-92

SURVEYOR'S REPORT

DONOVAN ENGINEERING
2030 Inwood Drive
Executive Park
Fort Wayne, Indiana 46815

Date: May 18, 1992

Job for: Elston - Carpet Discount

Legal Description: 0.4 Ac. Sec. 26-31-12, Allen County, IN

Address: #4314 Sherman Blvd.

1) In accordance with Title 864, Article 1.1, Chapter 13, Section 1 through 34 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

   A) Random Errors in Measurement (Theoretical Uncertainty);
   B) Variances in the reference monuments;
   C) Discrepancies in record descriptions and plats;
   D) Inconsistencies in lines of occupation;

   A) The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class "C" Survey (0.5 feet) as defined in IAC 864.

   B) No variances in the reference monuments.

   C) No discrepancies in record descriptions and plats.

   D) No inconsistencies in lines of occupation.

2) Distances between property corners conform to the dimensions in the recorded deed, & with a previous survey, last dated 8-5-77.

   The NW & SW property corners are located 12 ft. to 12$4ft. East of the East edge of the 21 foot wide pavement of Sherman Blvd.

   The SW property corner is located 89.6 ft. (measured & deed) North of a pipe found.

   The SE property corner is located 89.6 ft. (measured & deed) North of a post found.

   A fence is located along the South property line.

   The iron pin found at the SW property corner is under 3" of asphalt.

Zoned RB M-1

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on June 14, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-94-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 20, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 27, 1994.

Certified and signed this
28th day of June 1994.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

#565

Z-94-06-89

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 821 W Coliseum Bl

EFFECT OF PASSAGE Property is currently zoned RB - Suburban Residential and B1B - Limited Business. Property will become M-1 - Light Industrial District.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential and B1B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

FACT SHEET

Z-94-06-09
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From Rb & B1B to M-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

821 W Coliseum Bl

Reason for Project

Expansion of existing business.

Discussion (Including relationship to other Council actions)

20 June 1994 - Public Hearing

(See Attached Minutes of Meeting)

27 June 1994 - Business Meeting

Motion was made and seconded to perfect the request to a B-3-B.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion to perfect to a B3B, at the request of the petitioner, was approved.

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion carried.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Steve Jackson, President, Carpet Discount City Department Other
Opponents	Groups or Individuals Betty Mullins, Pres of North Franke Park Assn Basis of Opposition -approval could lead to a negative impact on property values
Staff Recommendation	☐ For ☒ Against Reason Against -approval could lead to a negative impact on property values
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith

Members Absent: Mark GiaQuinta, Vicky VerPlanck

POLI PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 18 May 1994

Projected Completion or Occupancy Date 28 June 1994

Fact Sheet Prepared by Date 28 June 1994

Patricia Biancaniello

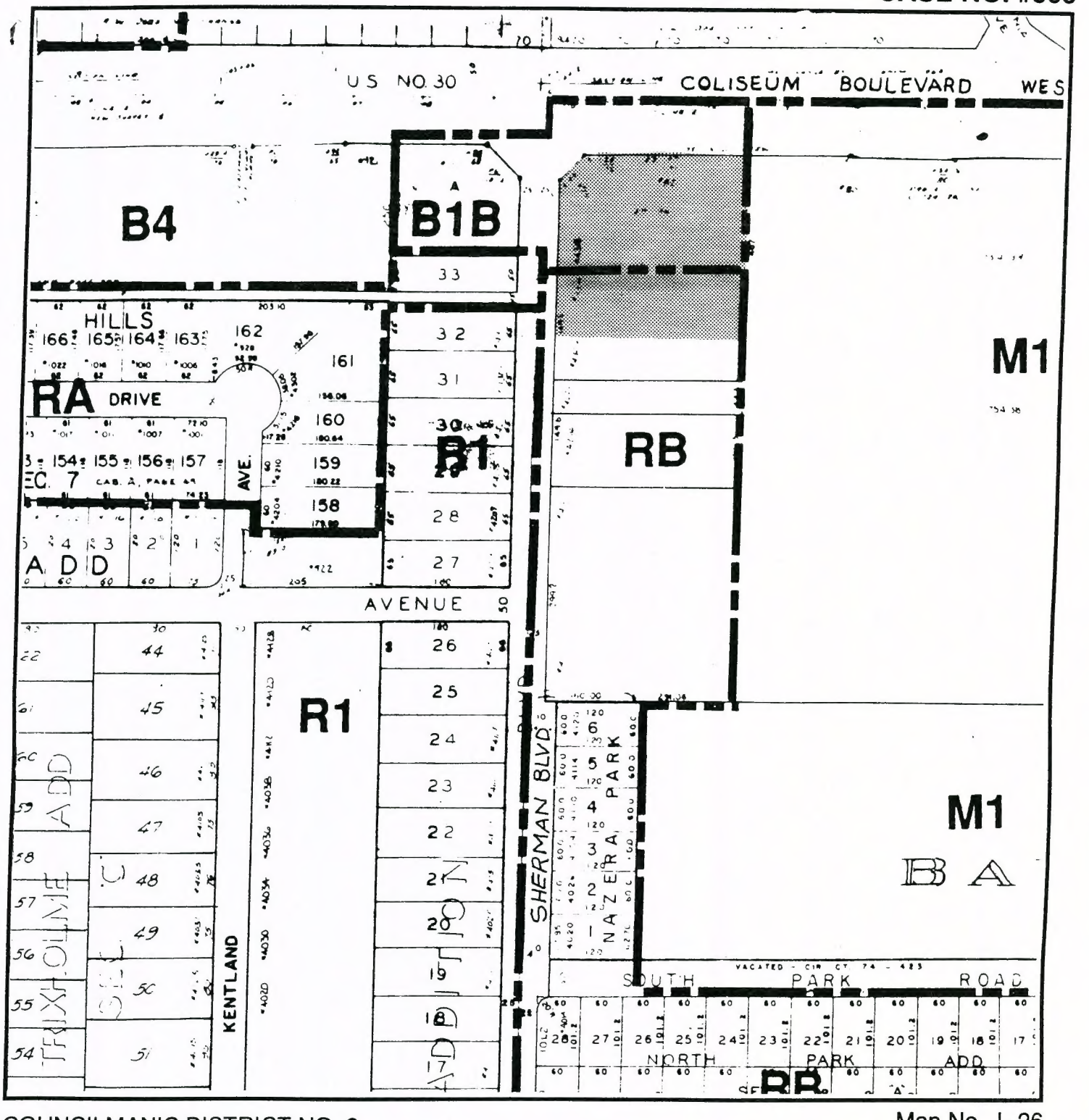
Reviewed by Date 29 June 1994

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #565



COUNCILMANIC DISTRICT NO. 3

Map No. L-26
LW 5-22-94

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

BILL NO. Z-94-06-09

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GiaQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. L-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
	Mark E. GiaQuinta		
	Rebecca Ravine		
	D Schmidt		
	Janet G. Bradbury		

DATED: 7-12-94.

Sandra E. Kennedy
City Clerk